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Solano County Pesticide Regulatory Program 2007/2008 Performance Evaluation Report

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Performance Evaluation of the Solano County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Solano County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year 2007/2008. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Program Standards Compendium.

I. Summary Report of Core Program

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to meet DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and work plan goals.

Summary Statement:

Solano CAC's pesticide use program is currently effective at delivering the local enforcement program of the state.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance:

The Solano CAC permit issuance procedures and performance were evaluated through observation and interviews of staff and found to conform to DPR standards and expectations. Biologists that issue permits all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and
- Permit amendments follow approved procedures.

2) Site Evaluation:

The Solano CAC site evaluation procedures were evaluated through observation, record review, and interviews of staff and found to conform

to DPR standards and expectations. The CAC issued 253 restricted materials permits and 122 operator identification numbers during FY 07/08. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated and determined if the use of feasible alternatives was required. The program reviews all Notices of Intent (NOIs) in a timely manner and adequately monitored agricultural and nonagricultural permits utilizing preapplication site evaluations and use monitoring inspections.

The Solano CAC utilizes Ag GIS to identify sensitive sites and conditions permits and applications to mitigate off site movement of pesticides.

B) Compliance Monitoring:

1) Inspections:

The Solano CAC permit inspection procedures and performance were evaluated through DPR oversight inspections and record review and found to conform to DPR standards and expectations. One Deputy CAC and three biologists that possess Pesticide Regulation and Investigation and Environmental Monitoring licenses work almost exclusively in the PUE program. Inspections are performed according to DPR policies and procedures and inspection reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the CAC were found to:

- Adequately address label, law, and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

The Solano CAC has significantly improved staff's field presence resulting in increased enforcement actions.

2) Investigations:

The Solano CAC investigation procedures and performance were evaluated through observation, record review, and interviews of staff and found to conform to DPR standards and expectations. The CAC investigates all complaints and completes inspection reports in a timely manner. The CAC notifies DPR and other agencies as required.

Investigations are thorough, complete, and submitted on approved forms and in an approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide information necessary to successfully prosecute violations.

C) Enforcement Response:

The Solano CAC enforcement response was evaluated through observation, record review, and interviews of staff and found to conform to DPR standards and expectations. The CAC's enforcement response was found to:

- Initiate appropriate action when violations were identified;
- Ensure that due process requirements are met when taking enforcement or permit action or when initiating a private applicator certification or registration refusal/revocation;
- Sufficiently support compliance; and
- Adequately protect the public and the environment.

The Solano CAC has improved enforcement response and works with the Solano District Attorneys office to ensure compliance.

III. Recommended Corrective Actions

Solano County is a rapidly growing county. Recommendations include an increased focus on maintenance gardeners to ensure compliance with licensing and personal protective equipment requirements.

IV. Non-Core and Desirable Activities

Desirable activities include increased outreach within the maintenance gardener and the agricultural communities.